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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-10-00681-CW
)	
Plaintiff,)	
)	STIPULATED REQUEST TO CONTINUE
v.)	HEARING DATE TO JANUARY 24, 2011
)	AND TO EXCLUDE TIME UNDER THE
)	SPEEDY TRIAL ACT AND ORDER
TYRONE LAVAR HUMPHREY,)	
)	
Defendant.)	Hearing Date: December 20, 2010
)	Time: 9:30 a.m.
)	

The above-captioned matter is set on December 20, 2010 before this Court for a status hearing. The parties jointly request that the Court continue the matter to January 24, 2011, at 10:00 a.m., and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between December 20, 2010 and January 24, 2011.

On September 16, 2010, a Federal Grand Jury charged Mr. Humphrey with conspiracy to interfere with commerce by robbery and extortion in violation of 18 U.S.C. § 1951(a), armed bank robbery in violation of 18 U.S.C. § 2113(a) & (d), and forced accompaniment in violation of 18 U.S.C. 2113(e). If convicted, Mr. Humphrey faces a mandatory minimum sentence of 10 years for the forced accompaniment charge, and a maximum sentence of 25 years for the armed bank robbery count.

1 The current status of the case is that the parties are negotiating this matter and anticipate
2 that there may be a negotiated disposition of the case. In the meantime, on September 17, 2010
3 and on October 26, 2010, the government produced discovery to the defense and defense counsel
4 needs additional time to review and process the discovery provided. The defense also requires
5 additional time to prepare an investigation of the circumstances of the offense and to assess and
6 confirm Mr. Humphrey's Guidelines range.

7 The requested continuance will allow the defense time to complete its review of the
8 discovery, to investigate the underlying facts of the case, and to research and to confirm Mr.
9 Humphrey's Guidelines range. For this reason, the parties agree that the failure to grant this
10 continuance would unreasonably deny counsel for defendant the reasonable time necessary for
11 effective preparation, taking into account the exercise of due diligence.

12 The parties further stipulate and agree that the ends of justice served by this continuance
13 outweigh the best interest of the public and the defendant in a speedy trial. Accordingly, the
14 parties agree that the period of time from December 20, 2010 to January 24, 2011, should be
15 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A)
16 and (B)(iv), for effective preparation of defense counsel, taking into account the exercise of due
17 diligence.

18
19 DATED: December 15, 2010

/S/
SUZANNE B. MILES
Assistant United States Attorney

20
21
22 DATED: December 15, 2010

/S/
ANGELA M. HANSEN
Assistant Federal Public Defender

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby

FINDS:

1. Given defense counsel's need to complete its review the discovery;
2. Given that the defense needs additional time to investigate the underlying facts of the case and to research defendant's sentencing Guidelines range;
3. Given that these above-listed tasks are necessary to the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;
4. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial;

Based on these findings, it is ordered that the status hearing date of December 20, 2010, scheduled at 9:30 a.m., is vacated and reset for January 24, 2011, at 10:00 a.m., before the sitting United States Magistrate Judge. It is further ordered that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from December 20, 2010 to January 24, 2011.

December 17, 2010



DONNA M. RYU
United States Magistrate Judge